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Customer No.: 31561
Docket No.: 10607-US-PA
Application No.: 10/604,840

In the drawing

Please amend Fig. 2B according to the replacement drawings.

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REMARKS**Present Status of the Application**

Claims 1-3, 5-11 and 13-16 are now pending in this application. The Non-Final Office Action suggested a new and descriptive title is required. The non-final Office Action rejected claims 1-16 under 35 U.S.C. 103(a) as being unpatentable over Yamashita (US patent 5,929,670 hereinafter "Yamashita"). Reconsideration and allowance of those claims are respectfully requested.

Discussion of New Title

It is noted with great appreciation that the Examiner suggested a new and descriptive title. Applicant amended the title.

Discussion of Claim Rejection under 35 USC 103(a)

The non-final Office Action rejected claims 1-16 under 35 U.S.C. 103(a) as being unpatentable over Yamashita.

Applicants respectfully disagree and traverse the above rejection as set forth below.

It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a reference, the cited reference must disclose, teach, or suggest, either implicitly or explicitly, all elements/features of the claims at issue.

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Claim 9 distinguishes from Yamashita because Yamashita does not disclose, teach, or suggest all features in claim 9. More specifically, first of all, FIG. 1 of Yamashita shows two counters 14/15, counting signals from signal source 11 and signal source 16. So, Yamashita's counters do not count output signal (from the signal source 12). Count values from the counters 14/15 of Yamashita are directly input into the calculating and control part 13 without any further operation. However, in Claim 9 of the application, a counter counts two values by counting input signal and output signal (which is output from an oscillator) and then outputs a third value (for example, a difference value) to the oscillator.

Second, in claim 9 of the application, three values are obtained from/bv one element; i.e. the counter. However, in Yamashita, the three values (15 counted value, 14 counted value and value of 13) are from three elements, i.e. the two counters 14/15 and the control part 13. See page 2 of Office Action and Fig. 1 of Yamashita. One skilled in the art would have no suggestion or motivation to modify the three elements of Yamashita into the counter of the application.

So, Yamashita does not disclose/suggest/teach a counter counting the input signal and the output signal and outputting a difference signal.

Independent claim 1 recites similar features and is allowable for at least the above reasons.

Consequently, Yamashita does not render claims 1 and 9 obvious, and the rejection should be withdrawn.

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Because independent claims 1 and 9 are allowable over the prior art of record, their dependent claim 2-8 and 10-16 are allowable as a matter of law, for at least the reason that the dependent claims contain all features/elements of their respective independent claim 1 and 9.

Prior Art Made of Record

The prior art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

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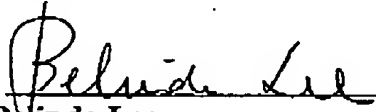
CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-16 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney.

Date: May 6, 2005

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